

MINUTES  
CEDAR VALLEY DISTRIBUTION SYSTEM  
February 19, 2003

Present: Lee Sim, John Larsen, Kerry Carpenter, Deb Bauer, Sam Bauer, Phil Hirschi, Paul Nelson, Lynn Nelson, Brent Hunter, Rusty Aiken, Harl Judd, Ramon Prestwich, George Vandenberghe, Erich N. Bruckner, Gerald VanIwaarden, Ross W. LeBaron Jr., Diana L. LeBaron, Bud Garfield and LaRee Garfield.

In the absence of Chairman Brent Jones, Bud Garfield, Board Member, called this meeting to order at 7:15 p.m. He asked Secretary, LaRee Garfield, to read the Minutes of last year's meeting. Lee asked that the Minutes be amended concerning the amount designated for State Engineer Expenses as follows: The 2 ½ % to be paid in 2002 is to pay for accounting costs that the State Engineer's office incurs in administering the Distribution System. This will increase to 5% in 2003 and will cap at 7 ½ % in 2004. Rusty moved for approval of the Minutes as amended; Brent Hunter seconded; Minutes approved as amended.

Bud then asked Lee to present the 2002 Financial Statement. Lee reported that we began the year with a balance of \$7,292.04. We received \$9,349.28 in regular assessments, \$251.16 in delinquent penalties, and earned interest in the amount of \$101.18, for total receipts in the amount of \$9,701.62. Expenditures totaled \$9,129.19. The balance of Distribution Trust Funds as of December 21, 2002, were \$7,864.47. Retirement expense was again deducted in error, and this has been returned to the system, and the balance would be \$664.52 higher. The State Engineer Expenses were deducted, and it looks like this will be a permanent expenditure. Concerning the delinquencies, #23 in the amount of \$72.68 was paid tonight. Lee will get Ramon's name on that account. Account #3B, North Field Irrigation Company, should be sent to Phil Hirschi at 267 W 3000 North. Ramon moved for acceptance of the Financial Statement; Paul Nelson seconded; motion carried.

Bud then asked Sam Bauer to present the Commissioner's Report for 2002. Sam stated that the stream flow for Coal Creek in 2002 was 6,950 acre feet which was down significantly from 2001 when the flow was 23,850 acre feet. This was the lowest flow on record since 1939. The stream peaked April 12<sup>th</sup> at 46 cubic feet per second, and in 2001, it peaked May 1<sup>st</sup> at 340 cubic feet per second. Broken meters are still a very big problem. Two irrigation companies did not get any irrigation water this year, Bulldog Irrigation Company and the Coal Creek Irrigation Company. Southwest Field, on occasion, had more water than they were allowed. After several attempts to talk to the company, Kerry arranged a meeting with the City, Southwest Field and Sam to try and solve this problem. After that meeting, Sam was given keys to their head gates. It was decided that the water would be measured and adjusted at the lower location where the Southwest Field puts their water into the pipe. This didn't work well, because people were tampering with the water that was going under the head gate. Tampering at the Southwest Field diversion was a problem all summer. Sam recommended that a Parshall flume be installed as close to the upper diversion as possible where the water can be adjusted and measured at the same location.

The Commissioner has in his possession the following: One four drawer filing cabinet, one H.P. model 25 calculator, S/N 1502A02235 (broken), one H.P. Vectra N2 466 computer, S/N 3432A12538, one H.P. Video graphic color display, S/N 91 12J10847, and one H.P. laser jet II computer printer. Lynn asked about the computer that was said to be available from the State. Lee said he just needed to be reminded, and he would see that Sam received the computer. Phil asked about the problem with Southwest Field. Kerry said that the current measuring device does not work. Ramon said that part of the reason that the head gate is where it is, is to take the sand out of the water. Southwest Field has had a problem since the trail was developed. People tamper with the head gate and throw things into the creek that catch on the head gate. The logical place to measure water in the spring is at the head gate. Southwest Field has had the City patrol that area to watch for people tampering with the system. Phil said that Old Fort and Old Field has the same type of system, and they flush it every few days. Ramon recommended that they go up further and put a deep V settling pond in with a locked head gate. Some places even cover settling ponds with steel, put a good screen over it and regulate the water from there. Lynn said that it needs to be regulated at the main head gate within 10 feet of where they take the water out. Kerry said that there is a certain place in that box where Sam has to take the reading, so it shouldn't be screened. He also said that if it is covered, they need to put a trash rack above it. Ramon said the present system is terrible, and the problem needs to be resolved. Lee said that if the measuring device is acceptable to the State Engineer, that would suffice. Ramon said that Southwest Field did not understand how much water they had. He then made the motion that Sam, he and Kerry get together and look at the problem and try to come to a solution before this water year; Lynn seconded; motion carried. Ramon said that the trail is on our right of way. Tom Cardon deeded the piece of property to bring the water down the ditch to the City. Kerry suggested that Ramon talk to the City about fencing. Lee said that liability increases when a ditch is fenced. Ramon and Sam will set up a meeting with Kerry or someone from his office.

Gerald VanIwaarden asked why Spring Creek water users are invited to this meeting. Lee said that they must have a water right in the valley from which they pump. He further stated that if someone is a pumper and has a water right in the valley, they are part of the distribution system. Mr. VanIwaarden then asked what role Sam would have in their system, and Lee answered that Sam would have to monitor the water usage in their system. Erich Bruckner then asked why we don't have a record of what the different water users use. Mr. VanIwaarden said that they are interested in complying with the law and just need to know the amount of their assessment, etc. They reported that they do not have an account number.

Brent Hunter asked about dumping sand back into the creek. Lee said there is nothing in the Utah statute relating to that and from an environmental water quality perspective, he does not know. It happens all the time, and there is no regulation that addresses that at all. Ramon then moved for approval of the Commissioner's Report; Rusty seconded; motion carried.

Lee said that it was now necessary to set the budget for 2003. Mr. VanIwaarden moved that the Commissioner dispose of the broken calculator and that he be allowed to trade in the State owned outdated computer; Ramon seconded; motion carried. Sam reported that he spends about 500 hours monitoring the water. John mentioned that the State Engineer's office is sponsoring a Commissioners' seminar, and Sam will attend that meeting. The budget for 2003 is

as follows: Commissioner's Salary, \$5,585.00; Social Security, \$427.00; Travel Expense, \$1,700.00; State Engineer's Assessment, \$475.00; Insurance Premiums, \$130.00; Secretarial Expense, \$150.00; Annual Report, \$300.00; and Miscellaneous Expense, \$300.00, for a total budget of \$9,067.00. Ramon moved for approval of the budget; Brent seconded; motion carried. Lee reported that we have \$8,529.00 in reserve. Ramon moved that we assess on the total budget; Paul seconded; motion carried. Ramon asked where the reserve is invested, and Lee said that it is invested in a trust fund. It does not make much money, but it is safe. He commented that surface users are assessed on their use, and underground users are assessed on their water rights.

Bud said that we need to elect a Chairman and Board members. The current Chairman is Brent Jones, and the Board members are Ramon Prestwich, Paul Nelson, and Bud Garfield. Brent moved that we suspend the rules and retain the Chairman and Board members by acclamation; Phil seconded; motion carried.

Rusty asked about the broken meters. Lee said that we struggle with trying to follow up on broken meters. The State is trying to develop a system of control by acres rather than metering. Brent asked if power usage could be monitored and a reading taken that way. Lee said that it is difficult to get the power company to send those reports. This is a state-wide problem, and the use of ground water and how to regulate it is a concern. Lynn asked if municipalities are being regulated. Kerry said that municipalities and at some point subdivisions should be integrated into the water users group where they report every year on their water usage. Kerry said that with aerial photography they can determine water usage with reasonable precision, but it is very labor intensive to interpret the information and make it useful.

Paul asked about the water table in the valley. Kerry said that the USGS puts out a report in the spring which is always a year behind. As a rule, they have records back to the mid-40's. The water table in Milford, Parowan, and Beryl/Escalante has been dropping about two feet per year since 1950. He would guess that Cedar Valley has dropped 1-1 1/2 feet per year since that time.

The regulation of ground water by priority date was discussed. The Attorney General's office determined that it was not clear as to the intent of regulating water in this way. This year, this issue will be discussed further as to how ground water may be regulated. Priority date is based on the date one made application to the State Engineer, after 1935.

Brent moved for adjournment; Lynn seconded; meeting adjourned at 8:55 p.m.